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November 10, 2014

BY ECF & BY HAND DELIVERY

Hon. Frederic Block  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Robert Petrosyants  
11 Cr 591 (S-3) (FB)

Dear Judge Block:

This letter is submitted on behalf of defendant Robert Petrosyants ("Mr. Petrosyants") in anticipation of his sentencing before Your Honor on November 14, 2014, at 11:30 a.m.. For the reasons set forth below, I am respectfully asking Your Honor to impose an alternative to incarceration in Mr. Petrosyants' case.

Mr. Petrosyants pled guilty before Your Honor to participating in a conspiracy to evade CTR monetary reporting

requirements. Mr. Petrosyants pled guilty pursuant to a written Plea Agreement with the government which has an estimated advisory U.S. Sentencing Guidelines prison range of 41-51 months based upon, among other factors, that the amount of funds he should be held accountable for in the conspiracy is \$667,446.08. The parties estimate of Mr. Petrosyants total offense level is a level 22, with a Criminal History Category I.<sup>1</sup>

As Your Honor is no doubt well aware, the U.S. Sentencing Guidelines are advisory now and but one factor for the Court to consider in imposing sentence. The Supreme Court also determined in Nelson v. United States, 129 S.Ct. 890, 892 (2009), that “[t]he Guidelines are not only mandatory; they are also not to be presumed reasonable.”

I also know that Your Honor is familiar with Gall v. United States, 128 S.Ct. 596, 602 (2007), where the Supreme Court emphasized that 18 USC 3553(a) specifically “directs judges to consider sentences other than imprisonment,” and that a probationary sentence can be structured to amount to a “substantial restriction of freedom” and meet all of the purposes of sentencing.

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<sup>1</sup> I have reviewed the Presentence Investigation Report (“PSR”) and object to the Probation Department’s advisory U.S. Sentencing Guidelines estimate of the amounts of funds involved in Mr. Petrosyants’ case (plus 28 levels, rather than 14 levels), and that his Criminal History Category should be II, not I. I also object to any allegation that Mr. Petrosyants engaged in no-fault insurance fraud or money laundering. If necessary, I will seek a Fatico hearing on these objections.

While the crime Mr. Petrosyants pled guilty to is certainly by no means a petty offense, it involves no allegations of any physical or threatened violence or victim loss. It also carries a 5 year - as opposed to a 10, 20 or 30 year or more statutory maximum term of imprisonment - like many other far more serious federal crimes. The amount of funds involved in Mr. Petrosyants case (\$667,446.08) was also far less than the owner of Belair Payroll was held accountable for (\$3,367,620.07).<sup>2</sup>

Mr. Petosyants has many redeeming qualities. He is 33 years old and has no prior felony criminal record.<sup>3</sup> He is gainfully employed in the restaurant business. Attached hereto for Your Honor's review, is a letter from his employer at Woodlands NYC Restaurant in Brooklyn, Akiva Ofshtein. As Mr. Ofshtein confirmed in his letter to Your Honor:

A few years ago, Robert came to work for me at Woodland NYC Restaurant in Brooklyn, New York.

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<sup>2</sup> Upon information and belief, the owner of Belair was sentenced to a term of probation.

<sup>3</sup> Mr. Petrosyants has one prior criminal conviction - a misdemeanor conviction for trespassing - from more than 10 years ago. He also was convicted of driving while impaired, a violation, not a crime, for conduct that was not more serious than reckless driving. Based upon the Second Circuit's pre-November 2012 holding in United States v. Gonzalez-Rivera, this non-criminal conviction should be excluded from the computation unless the conduct is proven to have been more serious than reckless driving. Therefore, Mr. Petrosyants should have just 1 criminal history point and be in CHC 1.

Robert oversaw the construction and eventual operation of this business. He has always been and continues to be - to this day - an essential and valued manager of this business. He is hardworking, tireless and honest. And, I trust him to run every aspect of this business. Quite frankly, I do not know what I would do without him.

.....I understand that Robert has no one to blame for his present predicament, but himself. But likewise, I also understand that Robert is very sorry for his mistake and that he is dedicated to remaining on the straight and narrow.<sup>4</sup>

Mr. Petrosyants has also, for all intensive purposes, been happily “married” to Marianna Shahmuradyan for a number years, and he is a loving and caring companion.<sup>5</sup> He and Marianna have three beautiful young daughters together - a daughter, Bella, age 3, and twin daughters, Sophia and Eliza, age 2. Mr. Perosyants is by all accounts a loving and devoted father as well. As Marianna explained in her attached letter to

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<sup>4</sup> Because of Mr. Petrosyants tireless efforts on behalf of the restaurant, and to help Mr. Petrosyants - it is my understanding that his employer is rewarding him with an early Christmas bonus of \$25,000.00. The Petrosyants’ have decided that the \$25,000.00 will be paid over and applied to Robert’s joint and several forfeiture obligation to the government at his sentencing, *via* a bank check made payable to the order of the United States Marshal’s Service.

<sup>5</sup> While presently “engaged,” Robert and Marianna have been living together under the same roof as husband and wife for years.

Your Honor:

I write to Your Honor with a very sad heart and to plead for leniency on behalf of Robert Petrosyants. Robert is the love of my life and my soul-mate. We have three very young children together, a daughter, Bella, age 3, and two twin girls, Sophia and Eliza, age 2. Robert is a very loving and devoted father and our girls worship him in return. The girls will be lost without their father. I have enclosed with my letter to Your Honor, some pictures of our family interacting together.

If Robert is sent to prison, I do not know what we will do without him. I am a homemaker and have never worked. I do not have a real support group to help us - as most of my family resides in Armenia, and Robert's mother, who lives locally (and is not aware of Robert's arrest) is not well and suffers from, among other ailments, advanced diabetes. (Robert's father, unfortunately, passed away many years ago from stomach cancer. And, Robert's sister, Nonna, has a child with autism and has her hands full already.)

I know that Robert is deeply sorry for his involvement and that he has been working very hard to demonstrate that he is a redeemable soul. Any leniency Your Honor could show to our family would be nothing short of a God-sent to us all.

I have also attached hereto for Your Honor's review, a letter from Mr. Petrosyants sister, Nonna Badalova, pleading for leniency on behalf of Robert and his family, and lauding him for also being a wonderful son to their mother, and brother to her. As Ms. Badalova stated in her letter:

Robert has always been a wonderful son to our mother and brother to me. He has always helped to physically and financially care for our mother, who suffers from advanced diabetes. And, he has always been there for me. I have an autistic child whom Robert has always helped me to care for. He has always been a father figure for her - as her real father abandoned us when she was initially diagnosed a number of years ago with autism.

Finally, it is my understanding that Mr. Petrosyants has also found time between his heavy workload and caring for his family to give back to the community. Indeed, Mr. Petrosyants and his brother have donated their time and expertise to the "Leaders of Tomorrow Brooklyn," a highly successful mentoring and development program for local youth founded by Pastor Lamor Whitehead. The Petrosyants brothers' have helped Pastor Whitehead create and run the "Cooking Initiative," a program which confronts and deals with the obesity problem plaguing the community, and also provides a potential career choice in the culinary arts for the youth to consider. As Pastor Whitehead explained in pertinent part in the attached letter to Your Honor:

Through this program, we have educated local youth on the advantages of eating healthy and exposed them to a potential career path in the culinary arts. Without the

tireless efforts of Robert and Zhan, this program would never have been offered, let alone, such a success.

For all the foregoing reasons, I am respectfully asking Your Honor to sentence Mr. Petrosyants to an alternative to incarceration, albeit probation or probation with a home confinement component which permits Mr. Petrosyants to work and also care for others in his family when necessary. I respectfully submit that this would constitute a “reasonable” sentence under 18 USC 3553(a).<sup>6</sup>

Respectfully submitted,  
/JRF/  
James R. Froccaro, Jr.

JRF:pa  
Encls.

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<sup>6</sup> The Court should be aware that if sentenced to a term of incarceration, Mr. Petrosyants may not, by virtue of his immigration issues, be eligible for any early release programs - i.e., to receive a year off from prison for successfully completing the 500 hour residential drug/alcohol program offered by the Bureau of Prisons (“BOP”), or early release to a halfway house within as much as a year of his maximum release date, and be required, instead, to remain in custody until he has served the maximum term of any sentence imposed. Then, after his release from BOP custody, he may also be transferred to an immigration facility and remain in custody there pending any immigration status determination - the issue of contention being whether the instant offense is a removable offense or not.

Honorable Frederic Block  
United States District Court  
Eastern District Court  
225 Cadman Plaza  
Brooklyn, NY 11201

November 3, 2014

Dear Judge Block:

I write to Your Honor with a very sad heart and to plead for leniency on behalf of Robert Petrosyants. Robert is the love of my life and my soul-mate, We have three very young children together, a daughter, Bella, age 3, and two twin girls, Sophia and Eliza, age 2. Robert is a very loving and devoted father and our girls worship him in return. The girls will be lost without their father. I have enclosed with my letter to Your Honor, some pictures of our family interacting together.

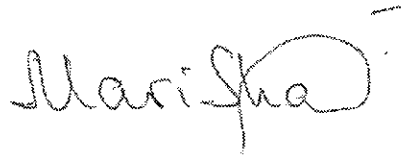
If Robert is sent to prison, I do not know what we will do without him. I am a homemaker and have never worked. I do not have a real support group to help us - as most of my family resides in Armenia, and Robert's mother, who lives locally (and is not aware of Robert's arrest) is not well and suffers from, among other ailments, advanced diabetes. (Robert's father, unfortunately,



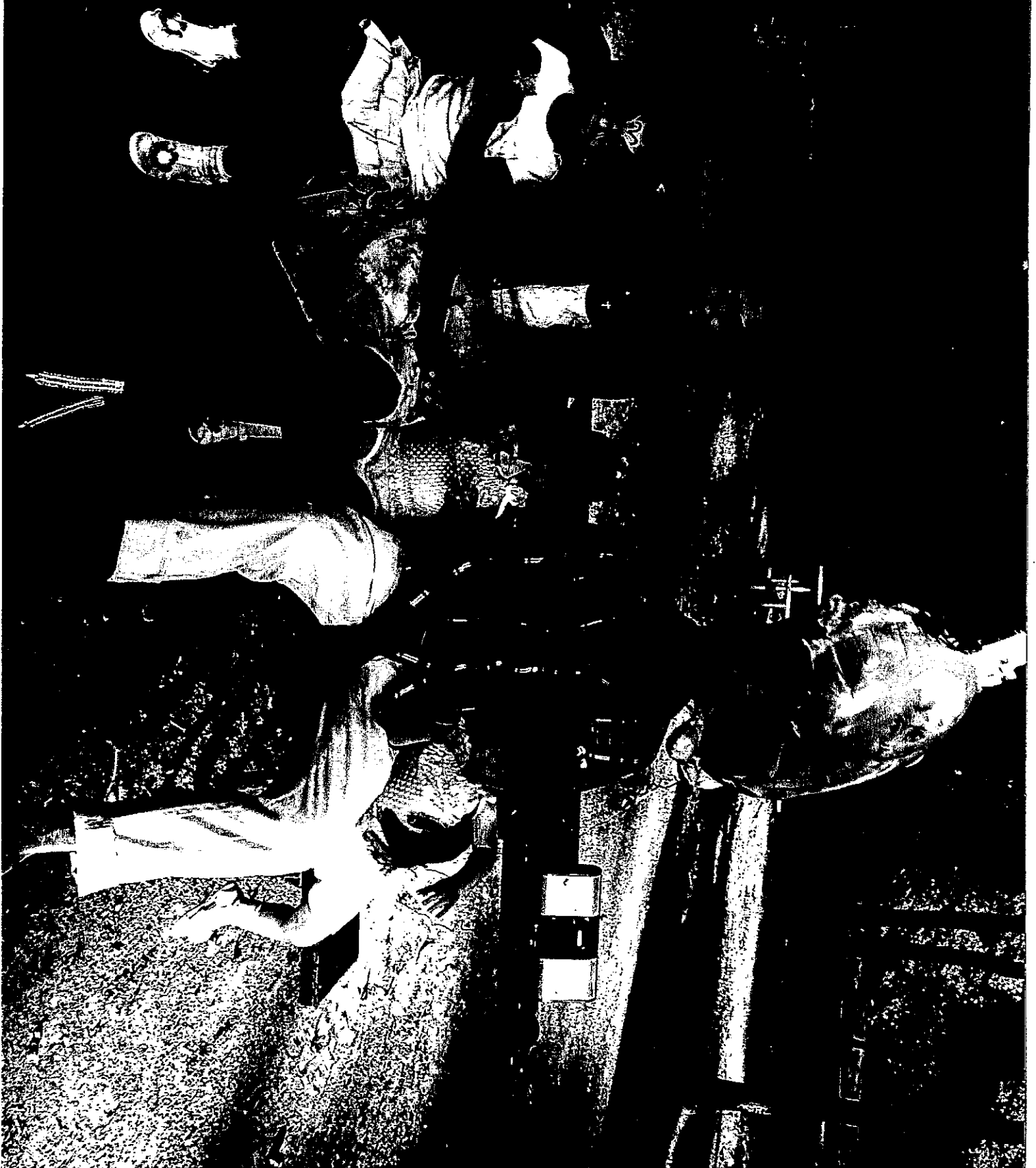
passed away many years ago from stomach cancer. And, Robert's sister, Nonna, has a child with autism and has her hands full already.)

I know that Robert is deeply sorry for his involvement and that he has been working very hard to demonstrate that he is a redeemable soul. Any leniency Your Honor could show to our family would be nothing short of a God-sent to us all.

Very sincerely,

A handwritten signature in black ink, appearing to read "Marianna", with a large, stylized loop at the end.

Marianna Shahmuradyan









November 6, 2014

Honorable Frederic Block  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Dear Judge Block:

I am writing to Your Honor to plead for leniency on behalf of my brother, Robert.

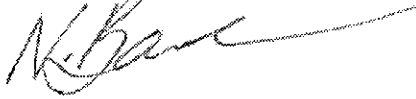
I am Robert's older and only sister. Our family is originally from Turkmenistan. When the Soviet Union fell apart, our family fell upon very hard times because of our Armenian heritage. Ethnic Armenians we no longer welcome there, so our father sent us all to America in the hope of a better life, while he stayed behind to care for his own ailing mother (our grandmother). Unfortunately, we never reunited with our father as he developed terminal cancer and passed.

Robert and Zhan have always been the only men in our household. And, they have always been the "rocks" that we have relied upon to sustain us. Robert has always been a wonderful son to our mother and brother to me. He has always helped to physically and financially care for our mother, who suffers from advanced diabetes. And, he has always been there for me. I have an autistic child whom Robert has always helped me to care for. He has always been a father figure for her - as her real father abandoned us when she was initially diagnosed a number of years ago with autism.

I know that what my brother did was wrong and that he is very sorry for his involvement. But I am begging Your Honor to please find it in your heart to be lenient with him and spare him from going to prison. The thought that my brother will be taken away from us all, including his three young daughters, will

be too much for us all to bear.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Badalova', with a long horizontal flourish extending to the right.

Nonna Badalova

OFSHTEIN LAW FIRM, P.C.  
1723 East 12<sup>th</sup> Street, 4<sup>th</sup> floor  
Brooklyn, New York 11229  
T: (718) 455-5252 F: (718) 455-5255

November 7, 2014

Hon. Frederic Block  
U.S. District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Robert Petrosyants

Dear Judge Block:

I recently learned from Robert about his problems with the law. While I was obviously surprised by this news, I, nonetheless remain supportive of Robert and write to Your Honor to seek leniency on his behalf as well as on behalf of his three little girls.

I have known Robert for a number of years and will be eternally grateful to him for introducing me to my wife - whom I met on a blind date. (We double dated, as Robert brought along the love of his life, and mother of his three children, Marianna.)

I am a practicing attorney. But, I also have an interest in the restaurants business in the area. A few years ago, Robert came to work for me at Woodland NYC Restaurant in Brooklyn, New York. Robert oversaw the construction of and eventual operation of this business. He has always been and continues to be - to this day - an essential and valued manager of this business. He is hardworking, tireless and honest. And, I trust him to run



every aspect of the business. Quite frankly, I do not know what I would do without him.

But, my request for leniency on Robert's behalf is not limited my own selfish one. Robert has three beautiful young daughters, who adore him. He is a loving, caring and devoted father, who would be sorely missed. Indeed, I have personally witnessed his interaction with his daughters and cannot underestimate the devastating effect that his absence would have upon them.

I know that Robert has no one to blame for his present predicament, but himself. But likewise, I also understand that Robert is very sorry for his mistake and that he has is dedicated to remaining on the straight and narrow.

Any leniency that Your Honor you could show Robert and his family would not be wasted and would be a blessing to them all.

Respectfully,

A handwritten signature in black ink, appearing to be 'Akiva Ofshtein', written in a cursive style.

Akiva Ofshtein

*LEADERS OF TOMORROW BROOKLYN*

*243 Marion Street*

*Brooklyn, NY 11233*

*phone: (347) 990-9840*

*Honorable Frederic Block  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201*

*Re: Robert Petrosyants*

*Dear JUDGE BLOCK:*

*I am founder of Leaders of Tomorrow Brooklyn, a highly successful mentoring and development program for local youth. I, personally, have worked with Robert and Zhan Petrosyants on the "Cooking Initiative," which is a part of the Leaders of Tomorrow's Making Dreams Into Reality programs. This particular program confronts and deals with the obesity problem plaguing our community, and also as provides a potential career path in the culinary arts to local youth. Attached hereto for Your Honor's review, is a copy of the stated goals and objectives of the Cooking Initiative program.*

*Unfortunately, due to school budget cuts, students are no longer offered classes in the basics of eating healthy or the culinary arts. Robert and Zhan have worked with our facility to make this program a success for the children - donating free of charge - their time and food.*

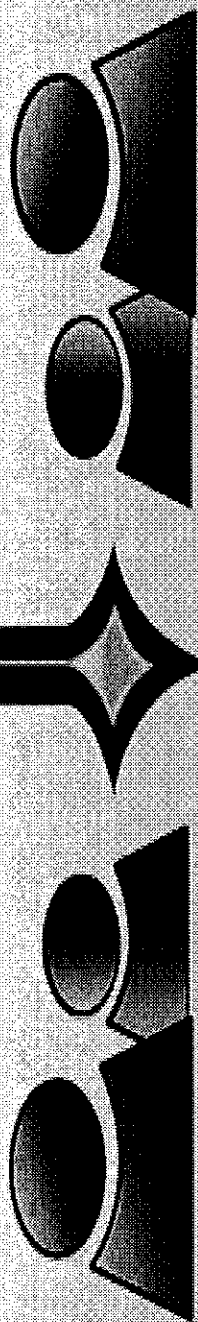
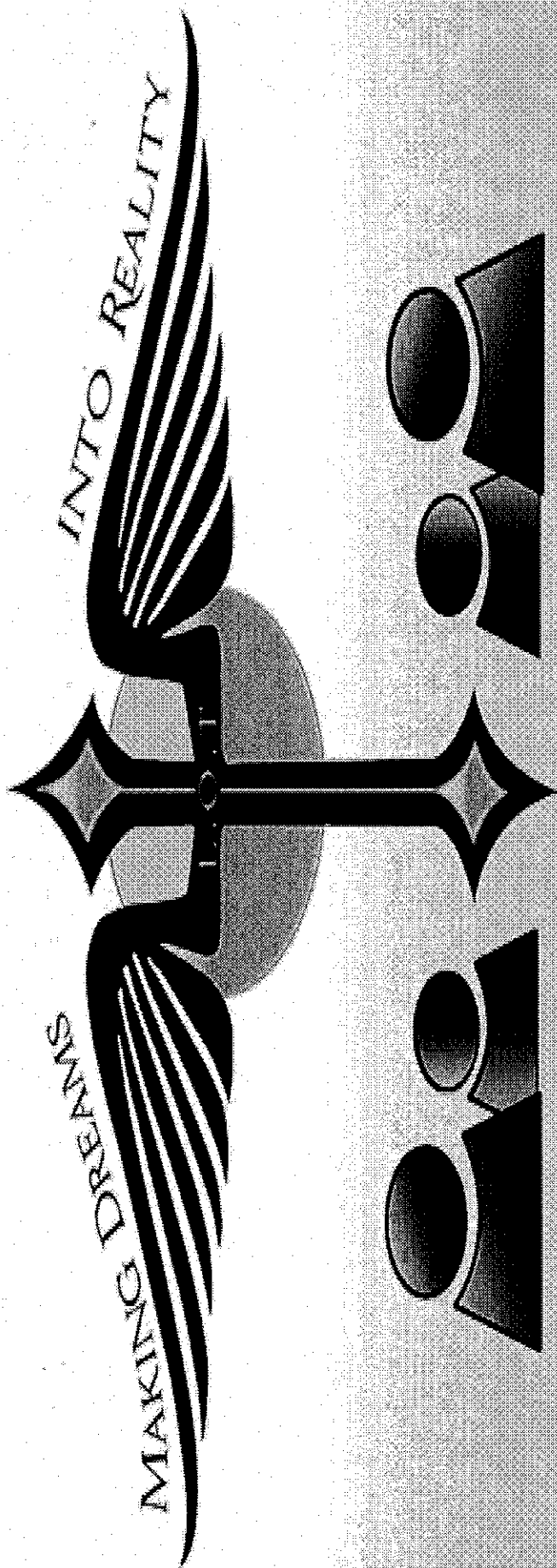
*Through this program we have educated local youth on the advantages of eating healthy and exposed them to a potential career path in the culinary arts. Without the tireless efforts of Robert and Zhan, this program would never have been offered, let alone, such a success.*

*Very truly yours,*

A handwritten signature in cursive script, appearing to read "L. Whitehead", with a long, sweeping flourish extending upwards and to the right.

*Pastor Lamor Whitehead*

*Leaders of Tomorrow Brooklyn*



**THE ADHERS OF  
TOMORROW**  
**B R O K L Y N**

# COOKING INITIATIVE

## LEADERS OF TOMORROW BROOKLYN



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- LONG TERM BENEFITS OF • A HOLISTIC APPROACH  
LEARNING TO COOK

# CHILDHOOD OBESITY

- Childhood obesity has more than doubled in children and quadrupled in adolescents in the past 30 years.
- In 2012, more than one third of children and adolescents were overweight or obese.
- Children and adolescents who are obese are at greater risk for bone and joint problems, sleep apnea, and social and psychological problems such as stigmatization and poor self-esteem.

<http://www.cdc.gov/healthyyouth/obesity/facts.htm>

# COOKING INITIATIVE

- "Give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime."
- Learning how to cook is one for the most overlooked, necessary survival skills.
- Cooking your own meals gives you the power to control what and how you eat.



# HEALTHILY EATING

- Healthy eating in childhood and adolescence is important for proper growth and development and can prevent health problems such as obesity, dental caries, iron deficiency, and osteoporosis.
- A poor diet can lead to energy imbalance (e.g., eating more calories than one expends through physical activity) and can increase one's risk for overweight and obesity.
- Individuals who eat fast food one or more times per week are at increased risk for weight gain, overweight, and obesity.

<http://www.cdc.gov/healthyyouth/nutrition/facts.htm>

# LONG TERM EFFECTS OF OBESITY

- Children and adolescents who are obese are likely to be obese as adults 11-14 and are therefore more at risk for adult health problems such as heart disease, type 2 diabetes, stroke, several types of cancer, and osteoarthritis.<sup>6</sup> One study showed that children who became obese as early as age 2 were more likely to be obese as adults.
- Overweight and obesity are associated with increased risk for many types of cancer, including cancer of the breast, colon, endometrium, esophagus, kidney, pancreas, gall bladder, thyroid, ovary, cervix, and prostate, as well as multiple myeloma and Hodgkin's lymphoma.

<http://www.cdc.gov/healthyyouth/obesity/facts.htm>

# BENEFITS OF COOKING WITH CHILDREN

- Bonding experience
- Creates opportunity to discuss the senses (taste, sight, smell, touch)
- Boosts self-esteem by accomplishing tasks that contribute to the whole family
- Teaches children life skills and food safety practices
- Uses basic math skills

<http://www.aicr.org/assets/docs/pdf/healthykids/powerful-plants-cooking-with-kids.pdf>

# BENEFITS OF COOKING WITH CHILDREN

- Allows scientific observation when foods change form
- Promotes practicing how to follow directions
- Provides opportunity to discuss how healthy foods create a healthy body
- Encourages creativity
- Can improve cultural awareness

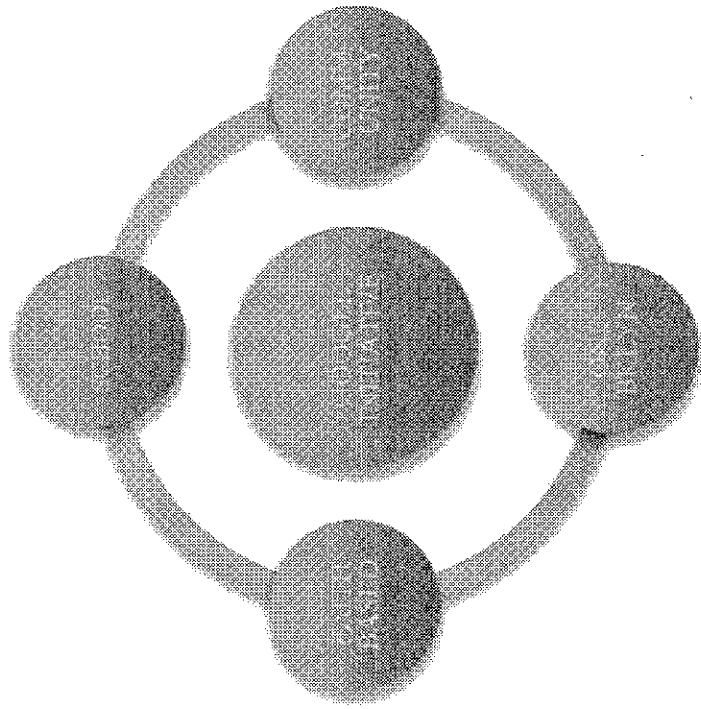
<http://www.aicr.org/assets/docs/pdf/healthykids/powerful-plants-cooking-with-kids.pdf>

# LONG TERM BENEFITS OF LEARNING HOW TO COOK

- Learning to cook is a skill your children can use for the rest of their lives.
- Kids who learn to eat well may be more likely to eat healthfully as adults.
- Positive cooking experiences can help build self-confidence.
- Kids who cook with their parents may even be less likely to abuse drugs.

<http://www.webmd.com/a-to-z-guides/features/cooking-with-your-children>

# MENTORING OUR YOUTH



# INITIAL GOALS

- We want to reduce obesity amongst the youth of Brooklyn.
- Youth will be taught all aspects of meal preparation. Including meal selection, food safety and hygiene, cooking techniques and presentation.
- Youth will also gain knowledge of the restaurant industry as a whole.

# THE PROGRAM

- Mission is to partner with Woodland to provide students the ability to learn alongside Woodland's chef.
- Youth will be taught about produce and meat selection, the various uses of herbs and spices, and various cooking techniques.
- They will learn to identify healthy vs. unhealthy food choices.
- The skills learned can be shared with their family, therefore improving the overall health of their family members.



# BENEFITS OF AFTERSCHOOL PROGRAMS

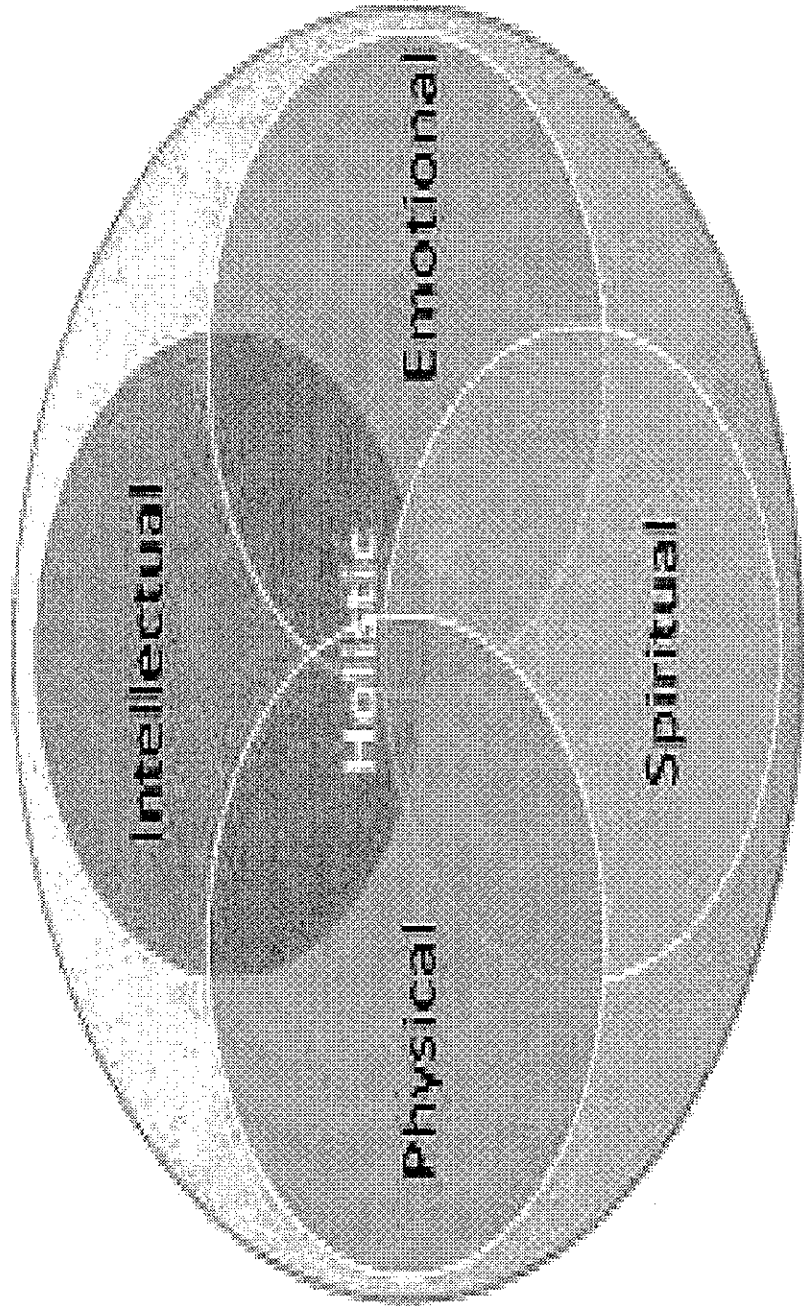
- “Self-care and boredom can increase the likelihood that a young person will experiment with drugs and alcohol by as much as 50 percent. Youth tend to develop patterns of alcohol, tobacco, and other drug use - or nonuse – from ages 12 to 15.”
- “Teens who do not participate in afterschool programs are nearly three times more likely to skip classes at school than teens who do participate. They are three times more likely to use marijuana or other drugs, and also more likely to drink alcohol, smoke cigarettes and engage in sexual activity than teens not in afterschool programs.”

[http://www.afterschoolalliance.org/issue\\_briefs/issue\\_CrimeIB\\_27.pdf](http://www.afterschoolalliance.org/issue_briefs/issue_CrimeIB_27.pdf)

# AT RISK YOUTH

- A percentage of the youth selected for the program will consist of “At Risk” youth. Through recommendations from school guidance counselors and social workers we intend to assist these youth in turning the path in their lives.
- Youth will also be recommended from the District Attorney’s Office for the program.
- We must nurture all the youth in Brooklyn and these youth will receive extra services as needed.

# WHAT IS HOLISTIC?



# HOLISTIC APPROACH

- Mentoring at the Core- Emotional, Mental, and Physical (both internal and external) environments in which youth exist.
- LOTB will focus on helping the youth achieve optimal health. Partnering with Holistic Doctors, Certified Practitioners, Mental Health Providers and other professionals to engage the mind, body, spirit and emotion in daily circumstances to promote saving our youth.
- Some of the Holistic Programs will include developing partnerships and building together within our diverse communities.

# HOLISTIC APPROACH

## Mental/Emotional Health

- Many of our youth have faced multiple tragedies and traumas. These unresolved issues if not addressed may hinder success.
- With parental consent, youth will have access to a therapist if there is a need. The students can meet individually or with their family for a systemic approach.
- Students are able to participate in psycho-educational groups such as Self Esteem and Teen Talk groups.

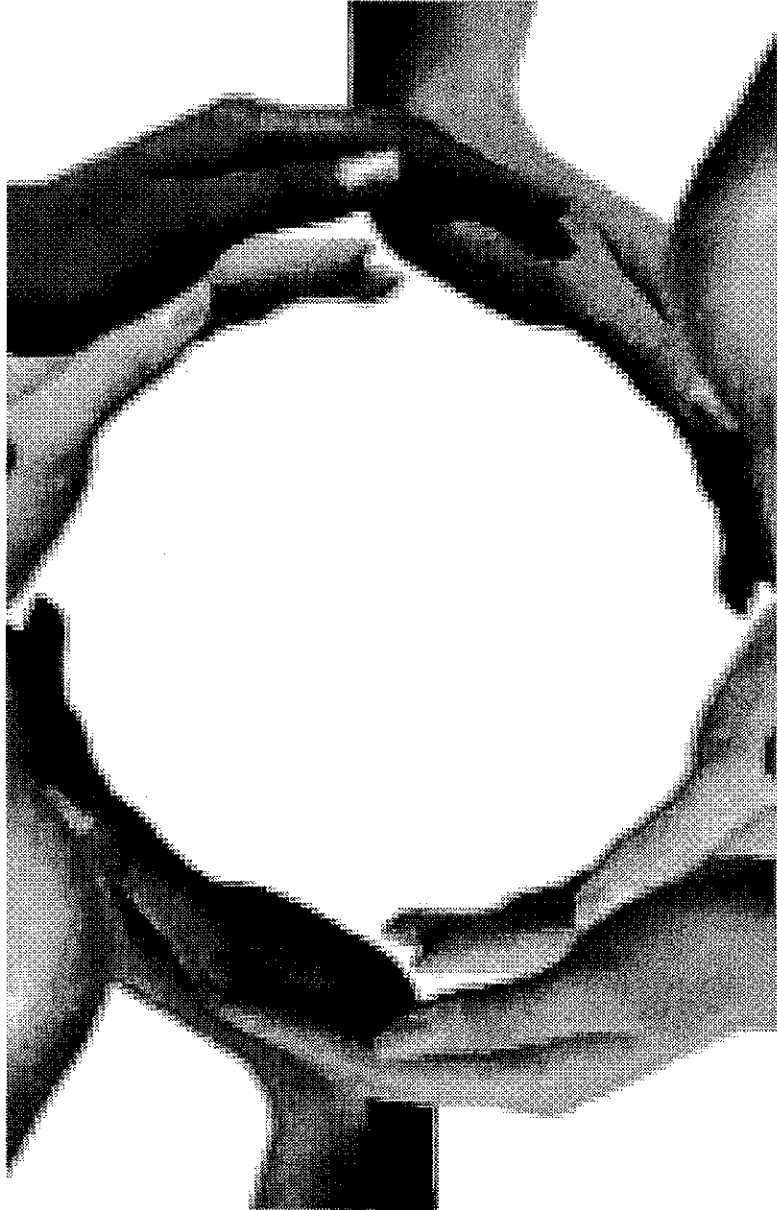
# HOLISTIC PROGRAMS DEVELOPING PARTNERSHIPS

- ◆ Brooklyn Botanical Gardens to host workshops and classes in developing gardens in our neighborhoods and near hospitals, schools, playgrounds and churches; thereby creating a greener Brooklyn.
- ◆ Local farmers establishing Farmers Markets for fresh produce, fruits and vegetables. Creating gardens in our backyards and in our local communities promoting healthy eating.
- ◆ Banks, financial institutions and financial counselors educating on starting and running a business. They will provide the basic essentials to promote economic empowerment through development.
- ◆ Physical fitness facilities to teach and train youth how to balance emotions through meditation and yoga, while increasing self-esteem. Creating focus and stability.

# HOLISTIC MENTORSHIP

- ◆ Partnering with social service networks to provide food, shelter, clothing, protection and other services that may be needed for youth and their families.
- ◆ The program will share age appropriate information on meditation, nutrition, suicide, HIV/Aids, pregnancy, violence, personal development, personal hygiene habits, sex education, obesity and etiquette for both genders.
- ◆ LOTB will host field trips for educational and personal development in various holistic partnerships throughout Brooklyn.

# ONE BROOKLYN



[WWW.LEADERSOFTOMORROWBROOKLYN.ORG](http://WWW.LEADERSOFTOMORROWBROOKLYN.ORG)